

## Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 1a

### Reason for bringing to committee

Called in by Councillor Andrew on grounds that there is significant public interest in this application which requires consideration.

### Application Details

**Location:** BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN

**Proposal:** ERECTION OF A FREESTANDING MCDONALD'S RESTAURANT WITH DRIVE THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD) AND A PLAY FRAME.

**Application Number:** 23/0669

**Case Officer:** Stephanie Hollands

**Applicant:** McDonald's Restaurants Limited

**Ward:** Pheasey Park Farm

**Agent:** Planware Ltd

**Expired Date:** 01-Aug-2023

**Application Type:** Full Application: Minor Use Class E(b) (Sale of Food and Drink)

**Time Extension Expiry:** 02-Aug-2024



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### Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure the Travel Plan and subject to:

- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- The amendment and finalising of conditions.

## Proposal

Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.

The proposed development comprises of a modern freestanding single storey McDonald's restaurant with drive-thru, car parking, landscaping, and associated works, including customer order displays (COD) and a play frame. The development implies the demolition of the building, which was separately approved in September 2022 (22/1125). Additional details previously included as conditions on that decision have been included within this application to ensure that the demolition can form part of the overall development. Provision is made for takeaway customers, both from the counter and from the drive-thru lane.

The restaurant has a GEA (including the corral and freezer chiller) of 377 sqm, and the GIA is 356 sqm, with a dining area of 92sqm.

Key Areas	Size
Dining Area	92 sqm
Ancillary Public Area	31 sqm
Kitchen/Staff Areas and Back of House Storage etc.	209 sqm

The customer seating area comprises 79 covers for visitors to eat their meals within a relaxed modern environment. The dining area will include a variety of seating types and table sizes tailored to the customers' needs.

The landscaping area to the rear of the site is retained, as is the landscaping to the front of the site. Further landscaping is being introduced on the northern and southern boundaries.

The southern access is being removed and replaced with a pedestrian access through new landscaping. The proposal includes 46 car parking spaces, inclusive of provision for 4 accessible bays and 2 grill bays. Furthermore, there are 5 Sheffield customer bike stands for an overall provision of 10 cycle spaces.

EVC charging will be provided in accordance with the Building Regulations. Cycle and pedestrian access points has been included within the design, to ensure the safe passage from the surrounding footpath network, which is included in the Transport Statement.

A Travel Plan and Delivery Management Plan are included within the application.

This application includes the introduction of a fast-forward lane, which will allow for a customer to pull forward to a third booth, if there is a small delay in the order, rather than driving through to the Grill Bays. This allows the traffic flow to be maintained through the drive-thru lane and is an operational improvement, in line with safety and speed of service.

An external play area is located on the new patio area, with facilities for younger customers to climb and explore. The specification of the structure has been included as part of the supporting documentation.

There is a corral at the southwest of the building, where refuse is stored and managed for recycling in large containers. There is access via double doors for the delivery lorries and an internal door, which links the corral to the main restaurant for the crew members. The corral is configured to optimise waste management, with a refuse compactor on site, to minimise the journeys required to remove the waste.

The following supporting documents accompany the Planning application:

- Refuse Storage and Recycling Statement
- Litter Management Plan
- Environmental Noise Assessment March 23
- Transport Assessment (June 2023)
- Travel Plan (June 2023)
- Delivery Management Plan (June 2023)
- Asbestos Survey
- Drainage Statement
- Construction Environmental Management Plan (CEMP) including scope for demolition.
- Drainage Maintenance Plan
- Phase I Contaminative Desk Study and Walkover Survey
- Phase II Site Investigation and Risk Assessment Report
- Tree Survey, Arboricultural impact Assessment/Preliminary Arboricultural Method Statement & Tree Protection Plan
- Preliminary Ecological Appraisal Report
- Supporting Statement
- Odour Control Specifications
- Air Quality Impact Assessment
- Prior Notification of Demolition Decision (22/1125)
- Specifications for the Patio Area furniture and cycle stands, Goal Post Height Restrictor and Customer Order Displays, the Cycle Lockers and the Play Frame.
- Proposed Lighting Layout and Design Notes
- Bat Report
- Lighting Review
- Biodiversity Enhancement Plan
- Highways Future Year Assessment
- Odour Control Assessment
- Addendum to Environmental Noise Assessment
- Sequential Test

A Planning Committee Members Briefing document was previously circulated to members, however the agent has confirmed that the item submitted to members does not form part of the planning application and should not be on the planning file. This document should therefore not be considered as part of this application.

## Site and Surroundings

The application site is located to the northwest quadrant of the roundabout junction of the A4041, B4149, Collingwood Drive and Romney Way. The site fronts onto the roundabout junction but is separated by a dedicated bus stop. Access is from both Collingwood Drive to the South and Romney Way to the north.

The application site is predominantly laid out to formal carparking on the northern, eastern, and southern boundaries, with the building located towards the back (west) of the site. A landscape buffer sits behind the building. A small landscape buffer fronts the site against the bus stop and thereafter, the roundabout.

The building itself is of two storey brick and tile design, dating back to the 1930's period. The main frontage returns at either end with two short two storey wings. A number of extensions have been constructed to the rear of the building. A prior notification decision was approved on 7th September 2022 for the demolition of the building and has been included to support the application (22/1125).

The immediate surrounds are residential in nature, generally built in the same period or later than the subject site. Pavements are generally wide, and many gardens have been laid to parking. The wider area includes a commercial area 200m to the south. This is repeated further afield, with Asda located on the roundabout to the south.

## Relevant Planning History

Application ref	Description	Decision	Date
05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005
07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
22/1125	Prior approval for demolition	Granted	07/09/2022
23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0688	Installation of various site signage including 4 no. Freestanding signs, 3 no. Banner units, 1 no. Playland sign and 31 no. Dot signs comprising 4 no. Accessible bays, 2 no. Parked order bays, 2 no. No entry, 10 no. Pedestrian crossing, 3 no. Give way, 5 no. Look left and 5 no. Look right.	Under Assessment	
23/0690	The installation of a freestanding 12m high totem sign.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *"it is considered that the proposed development may be supported in principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised."*

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions**, the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

### National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations.

### Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment, and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs, and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](https://www.go.walsall.gov.uk/planning_policy)

## **Saved Policies of Walsall Unitary Development Plan**

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 5.4 to 5.8. The sequential approach
- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light pollution

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest,
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- S11: Drive-Through Facilities
- T1: Helping People to Get Around
- T4: The Highway Network
- T5: Highway Improvements
- T6: Traffic Calming
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Outside Regeneration Corridor
- CSP4: Place Making
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4 Canals
- ENV5 Flood Risk Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- EMP5: Improving Access to the Labour Market

## **Walsall Site Allocation Document 2019**

M1: Safeguarding of Minerals Resources  
RC1: Outside Regeneration Corridor  
IND5: New Employment Opportunities  
T4: The Highway Network  
T5: Highway Improvements  
EN1: Natural Environment Protection, Management and Enhancement  
EN2: Ancient Woodland  
EN4: Canals  
EN7: Great Barr Hall and Estate and St Margaret's Hospital

## Supplementary Planning Document

### Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

### Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

### Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL



## Consultation Replies

**Archaeological Officer:** There are no archaeological implications for this proposal.

**Birmingham City Council:** Recommend conditions to restrict delivery times to ensure amenity is protected.

**Coal Authority:** The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

**Conservation Officer:** No objection.

**Ecology:** Recommend conditions relating to bats, nesting birds, Biodiversity Enhancement Plan and Construction Environmental Management Plan (CEMP).

**Environmental Health:** Concurs with Environmental Protection's comments. Recommend conditions.

**Environmental Protection:** Recommend conditions.

**Fire Officer:** The WMFS has no adverse comments to make on this application.

**Highways England:** Due to the distance of the location from the M6 motorway, National Highways are satisfied that there is unlikely to be a material impact on the operation or free flow of the strategic road network. We therefore have no comments to make.

**Lead Local Flood Authority:** No objection. Condition recommended.

**Local Highways Authority:** Supports the proposal, subject to conditions. Travel Plan will be completed under a Section 106 Agreement.

**Public Health:** Objection. A follow up objection has been received with the following comments:

- Whilst we do not have a specific policy in our local plan which currently deals with fast food takeaways, according to the National Planning Policy Framework “local authorities have a responsibility to promote healthy and safe communities by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health and well-being”. This includes and extends to promoting healthy weight environments as detailed in the supplementary planning document. Included in this is an explicit call to address the identified local health and well-being needs including by ensuring “access to healthier food”. It is important that we, as an authority are able to demonstrate how we are meeting this responsibility through the planning process.
- The potential economic benefits are acknowledged and important. However, economic benefits would also likely feature with alternative uses of the site, and it is important to understand how the weighing up of the economic benefit vs public health disbenefit is undertaken in this case. Importantly, healthy communities are a pre-requisite for growing our economy. Whilst McDonald’s do offer healthier alternatives, it is important to consider sales, and also the overall impact of takeaways on health - please see the latest [Nesta report](#).
- We believe there is a distinction between a restaurant with substantial hot food takeaway and a restaurant for consumption on site only. Most critical in this is the number of individuals served per day and the frequency with which those nearby/regularly passing the site may opportunistically use a drive thru/collect a takeaway to go. The proximity to a number of local schools is important. School children and families are more likely to access a takeaway regularly for convenience/cost rather than a public house or restaurant.

**Public Lighting:** No objection. Provided the design criteria specified by the environmental consultants are followed i’m happy with the design as it stands.

**Severn Trent Water:** No objection.

**Strategic Planning Policy:** No objection.

**Tree Preservation Officer:** No arboricultural objections. Condition recommended.

**West Midlands Police:** No objection.

## Representations

The application was advertised by way of the display of a site notice and notification letters sent to surrounding properties. The public consultation time expired on 24th July 2023.

113 individual objections have been received, some from the same person/address, some not located in the area and some with no address or name given. Concerns are summaries as follows:

- Rubbish/litter
- Anti-social behaviour
- Area already busy
- Accidents
- Traffic problems/congestion
- Pedestrian safety crossing roads/no pedestrian crossing
- Noise and nuisance/disruption in evening
- Smells

- Bus route
- Meeting place for local youths and others
- Proximity to schools/child health & obesity
- No evidence of joint working with Birmingham Council
- Attract more cruising/boy racers
- McDonalds already nearby & deliver to this area
- Not in keeping with area
- Residential area
- Increase in crime levels
- Air quality
- More housing required
- Vermin
- Impact on other local businesses
- Many fast-food outlets in area

Comments made in relation to property values is a non-material planning consideration.

The following comments have been received in support from a resident:

- This former buffet island site is an absolute disgrace to this community. It has been left to rot, is in a disgusting state of disrepair and is a constant attraction for trouble, vandals, and general unpleasant behaviour, for which the police are often necessary. The council have a duty of care to the people of Pheasey to stop this and improve this huge site for local residents, and I believe McDonalds would in part do this by improving the current site and continuing to be responsible for its upkeep.

An objection from Rt Hon Valerie Vaz MP has been received on the grounds of the following summarised below:

- The consultation
- ENV10 (a), para. II of the UDP, page 35
- ENV18 (b) of the UDP, page 41
- Traffic: ENV32 (a) para. IV of the UDP page 57
- Public Health

## Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Other key determining issues

# Assessment of the Proposal

## Principle of Development

The proposal is for a main town centre use as defined by the NPPF. NPPF paragraph 91 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

NPPF paragraph 92 states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations of existing Centres appropriate to the hierarchy. BCCS Policy CEN7 and UDP Policy S7 will apply. The sequential test should examine potential sites within Birmingham and Sandwell, not just within Walsall, within an appropriate catchment area including a map showing the availability of existing large fast-food restaurants, including McDonalds, within the catchment area.

The scale of the proposal exceeds the limits for small-scale local facilities as defined in BCCS Policy CEN6, meaning BCCS Policy CEN7 will apply (which mirrors much of the requirements in saved UDP Policy S7). The same policy defines this site as out-of-centre in relation to Collingwood, Pheasey local centre.

Both the NPPF and UDP policy S7 require a sequential test to be met.

A sequential test has been submitted which satisfies NPPF and UDP Policy S7 requirements. The test includes an assessment of alternative sites explored which were found to be inappropriate for this development.

This is a previously developed site, with the current site having a long-established use as a restaurant and previously as a public house, both of which are also main town centre uses, within a sustainable location, it is well served by public transport. It is acknowledged that there are other fast-food outlets within the Pheasey area nevertheless it is considered the proposal would not result in a proliferation of fast-food outlets within the Pheasey area.

The applicant explains the development would create 30 full and 90 part time jobs allowing for local people of all ages and skills to be employed.

On balance, it is considered the use principle of development is considered acceptable within this location.

## Heritage Assessment

The Archaeology and Historic Environment Officer confirms there are no archaeological implications for this proposal.

Saved Policy ENV32 *“will be applied to all development in Conservation Areas, on a visually prominent site, the vicinity of a Listed Building, Building of Local Interest or Registered Parks and Gardens. When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-*

- *The appearance of the proposed development, the height, proportion; scale, and mass of proposed buildings/ structures;*
- *the materials proposed for buildings;*
- *external spaces and means of enclosure;*
- *the integration and co-ordination of buildings and external space;*
- *Community safety and security;*
- *the visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood;*
- *the effect on the local character of the area, the proposed vehicular and pedestrian circulation patterns;*
- *the integration of existing natural and built features of value and the maintenance requirements of the development”.*

Policy ENV2 of the BCCS states *“development proposals will be required to preserve, and where appropriate, enhance local character and those aspects of the historic environment together with their settings, which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality”.*

Designing Walsall SPD, Policy DW3 seeks all new development to respect and enhance local character.

Buffet Island is a 1930 art deco style building, which has architectural merit. The landmark building is positioned in a prominent location sitting slightly above Queslett Road. There are no other similarly designed buildings in the Borough, it is considered to be a non-designated heritage asset worthy of locally listing. Paragraph 209 states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.* The total loss of this building would be contrary to paragraph 209 of the NPPF. However, the Conservation Officer is also aware prior approval for the demolition of this building was granted under planning reference 22/1125, it was unfortunate no condition requiring recording of the building was attached to the decision.

The Conservation Officer's preference would be that the building is retained and re-used. There are several examples of buildings (around the world) having been converted for McDonald restaurants.

The design of the fast-food restaurant is a typical design found throughout the UK.

In conclusion Conservation have no objection to the free-standing fast-food restaurant.

### **Design, Layout and Character**

The layout of the site includes a restaurant to the west of the site car parking to the south and east of the site and drive – thru lanes wrapping around the south and west (rear) of the site. It is acknowledged that the layout of the site requires vehicles to be within proximity to rear gardens of 1 to 4 Collingwood Drive due to the siting of the drive- thru lane.

The proposed building is of contemporary design reflecting the brands concept. The building is sited away from neighbouring properties. The single storey flat roof modern building is considered would not be unduly dominant within the street scene. The mix of materials softens the massing of the building to ensure it does not cause harm within the street scene.

It is proposed there will be a 3m high acoustic fence sited nearest to the boundary with 1 to 4 Collingwood Drive. To the south of the site a 2.4 metre acoustic fence is proposed nearest to the entrance of the drive through. It is considered that whilst the height of the fences up to 3 metres would be more than what is expected within a residential curtilage on balance its purpose in relation to noise mitigation outweighs the impact upon the street scene.

The application is supported by a landscape plan that includes hard and soft landscaping area, maintained, and managed by local contractors employed of Mc Donald's.

On balance it is considered that the layout of the proposal will allow for a functional development that integrates with the surroundings.

### **Amenity of Neighbours and Amenity of Future Occupiers**

Subsequent to the previous comments from Environmental Protection, the Applicant has submitted an Air Quality impact report for the proposed development – 'AIR QUALITY IMPACT ASSESSMENT', July 2023, Report Ref: 01.0141.015/AQ v1, by Isopleth Ltd. The Air Quality impact report considers 1174 vehicle daily trips to the proposed restaurant, which is based on the information from the Transport Assessment. The consultant has considered the impacts from the vehicles against the existing high levels of traffic in the surrounding area, which has resulted in the determination that the predicted air quality levels will not significantly change. Environmental Protection agrees with this conclusion, based on the predicted vehicles to visit the restaurant once open. Therefore, Environmental Protection have no comments to make on the Air Quality Impact Assessment.

Subsequent to Environmental Protection the comments submitted in August 23, the Applicant has provided additional noise information and an updated odour assessment. Furthermore, the Application has been modified to adjust the proposed opening times from 24-hours per day to 06:00 to 23:00 seven days per week.

The new proposed opening times will be conditioned.

### *Acoustics/Noise*

The noise assessment, 'Addendum to Environmental Noise Assessment', by Acoustic Associates SW Limited, Ref: 7810-Ad1, 26th October 2023. The acoustic consultant has undertaken additional background noise measurements closer to the access and egress point, which should provide a better consideration of impacts on nearby residential premises. The background noise levels are currently dominated by nearby road traffic noise and based on the new operational hours, the consultant has determined that the noise impacts from the proposed restaurant will not result in any significant acoustic differences when compared against the existing background noise levels, which are elevated due to existing road traffic noises.

Based on the addendum report, Environmental Protection have no significant comments to make on noise issues, other than all stated acoustic mitigation measures (acoustic barrier fences, acoustic enclosures, and silencers as stated in the application) need to be in place and correctly working prior to the restaurant commencing full activities.

Regarding the noise assessment, 'Addendum to Environmental Noise Assessment', by Acoustic Associates SW Limited, Ref: 7810-Ad1, 26th October 2023 Environmental Health concurs with Environmental Protection's comments made in its memorandum to Planning (reference:0669 SH noise and odour, dated 5th December 2023).

### *Odour Assessment*

Applicant has updated their original information on odour control to include a relevant risk assessment that considers the location of the restaurant and nearby residential premises – 'Odour Control Assessment for McDonald's Restaurant Birmingham', by CDM Partnership, October 2023. The proposed mitigation measures, including maintenance and servicing of the equipment appears to be satisfactory. It is recommended that a planning condition require for the Odour Abatement and Grease Abatement Measures as stated in the application be implemented and the equipment is fully commissioned, with the Maintenance Plan in place prior to the full commencement of the proposed restaurant.

The Impact Risk is assessed as High Risk and identified that a high level of odour control is required. Environmental Health considers that the proposed mitigation measures, including maintenance and servicing of the equipment appear to provide a high level of odour control. Therefore, it is recommended that a planning condition be included to require the provision and implementation of the proposed Odour and Grease Abatement measures and that the equipment

is fully commissioned, with the Maintenance Plan in place prior to the full commencement of the proposed restaurant.

## Highways

The application seeks to redevelop an existing restaurant off Romney Way to a McDonalds restaurant with drive thru.

The site is currently occupied by the former Buffet Island Chinese restaurant (849sqm) and has 68no. car parking spaces. The former restaurant has now closed, and the development proposals seek to redevelop the site into a new McDonald's restaurant with drive-thru, 46no. car parking spaces and 14no. cycle parking spaces.

The former restaurant is currently served by 2no. priority-controlled access arrangements, one to the northeast of the site via Romney Way and one to the south of the site via Collingwood Drive.

The development proposals would remove the existing access to the south of the site and utilise the priority-controlled access via Romney Way only.

Romney Way is subject to a 20mph speed limit and in line with standards set out in Manual for Streets (MfS) visibility splays of 2.4m x 25m are achievable in both directions at the site access.

It is proposed to provide formalised bus stop clearway markings on Romney Way and double yellow lines in vicinity of the site to prevent on-street parking near the bus stops or restricting visibility at the site access.

With consideration to the above and given this is an existing site access the Highway Authority raises no objections to the proposed site access arrangement.

Significant changes are proposed internally to the site which includes a drive-thru, changes to the site access arrangement, pedestrian routes into and through the site and car parking / cycle parking provision.

Using data from a similar McDonald's restaurant, evidence has been provided to demonstrate that there is sufficient queuing capacity available within the drive-thru area to meet the operational needs of the development.



The data shows a maximum queue length of 9no. and 11no. vehicles on a Friday and Saturday, respectively, with the drive-thru having capacity to accommodate 18no. vehicles.

The development proposals would include 46no. car parking spaces including 2no. grill spaces, 4no. disabled spaces and 3no. EVCPs. 14no. cycle parking spaces would also be provided.

Walsall Unitary Development Plan (UDP) parking standards for Hot Food Takeaways require:

*“4 car park spaces for establishments with a gross floorspace up to 50m<sup>2</sup>; then 1 space per 22m<sup>2</sup> of gross floorspace. At least 1 bike stand for every 5 car park spaces with an absolute minimum of 2 bike stands.”*

In line with Walsall UDP standards, the site would require a maximum of 21no. car parking spaces plus 2no disabled space (10% additional), a total of 23no. car parking spaces.

The Highway Authority accepts the proposed provision of 46no. car parking spaces and 14no. cycle parking spaces.

A trip generation exercise has been undertaken for the proposed development.

Firstly, a comparison of the trip generation at existing similar McDonald's restaurants and the TRICS (7.9.4) database was undertaken. The comparison found that data from existing McDonald's restaurants was more robust and therefore used within the traffic impact assessment.

Secondly, traffic surveys were undertaken at the Questlett Roundabout on Friday 11th November during the hours of 07:00-10:00 and 16:00-19:00, and Saturday 12th November during the hours of 11:00-15:00. The expected trip generation for the McDonald's restaurant was then distributed based on traffic surveys.

Thirdly, a junction capacity assessment was undertaken at the site access and the Questlett Roundabout. The assessment included a base year (2022), opening year (2025) and future year (2027) scenario. The junction capacity assessment demonstrates that both junctions would operate within capacity in the weekday and weekend peak periods in both the opening year and future year scenario.

The Highway Authority raises no concerns with the methodology used within the traffic impact assessment.

It is not considered that the application will create any material impact on the surrounding network. The Highway Authority accepts that the development proposals would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network.

The site is located in a residential area and has good pedestrian and cycle access along existing local highways.

Dropped kerbs and tactile paving will be provided at the site access, in addition to proposed uncontrolled crossings, in the form of dropped kerbs and tactile paving, on Romney Way and Collingwood Drive.

14no. secure and sheltered cycle parking spaces will be provided close to the main entrance of the site.

It is proposed to provide formalised bus stop clearway markings on Romney Way and double yellow lines in vicinity of the site to prevent on-street parking near the bus stops or restricting visibility at the site access.

Dropped kerbs and tactile paving will also be provided at the site access, in addition to proposed uncontrolled crossings, in the form of dropped kerbs and tactile paving, on Romney Way and Collingwood Drive.

Travel Plan will be completed under a Section 106 Agreement.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

In light of the comments above, the Highway Authority supports the proposal, subject to recommended conditions.

## **Ecology**

No ecological protected site, non-statutory or statutory site are within or adjacent to the application site.

As a result of the Ecology Officer's previous comments, the applicant has now submitted a bat survey report dated July 2023 with details of the further survey work of two dusk emergence survey undertaken. From a review of the report while some foraging evidence was found, no bats were identified emerging from the building. As best practice guidelines have now been followed, the Ecology Officer is satisfied that the building is likely absent of roosting bats. The Ecology Officer would still recommend a planning condition is placed on any planning permission given, to cover any remaining residual risk for bats to be present during the works.

Due to the presence of vegetation and a building on site, there is a risk of nesting birds, being harmed during the construction works. As such the Ecology Officer would recommend a condition be placed on any approval to ensure that the building demolition or any vegetation clearance that is required takes into consideration nesting birds.

As per National Planning Policy Framework Paragraphs 174 and 180 the development should be designed to meet biodiversity net gain. With the submitted documents the applicant provided a Landscape Plan (plan 19307-VL-McD\_L01) detailing the post development landscape proposals. These plans show the retention of vegetation along the western edge and incorporate of native species within the planting. While this plan does provide sufficient information to satisfy the development achieve a net gain. It does not provide details of the locations of additional wildlife features outlined within the preliminary ecological appraisal report or the management methodology proposed to enhance the proposed native planting. Therefore, the Ecology Officer would seek that a Landscape and Ecological Management Plan condition is incorporated within any permission provided to ensure these details are adhered to.

In response to the above the condition the applicant has submitted a Biodiversity Enhancement Plan which details the location of habitat creation and enhancement and protected species mitigation. This is deemed to meet the requirements of the above condition, which can be replaced with a compliance related recommended condition.

In respect of the Construction Environment Management Plan (MD4220577/HG/002), from a review of the document, no information on the mitigation and protection measures have been included for protected species and retained habitat as provided within the preliminary ecological appraisal report. To ensure these are taken into account during construction, the Ecology Officer would seek for a planning condition to be incorporated into any permission to expand the document.

## **Flood Risk / Drainage**

Severn Trent have no objection to the proposed development. Foul sewage is to discharge to the public foul sewer, and surface water is proposed to discharge to the public surface water sewer at 13litres/second providing a 70% betterment, as soakaways are not suitable.

The Lead Local Flood Authority (Staffordshire County Council Flood Risk Management) are now satisfied with the submitted proposals and have no objection to the granting of planning permission. The Lead Local Flood Authority would however recommend that a condition is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.

## **Trees / Protected Trees**

The proposal will necessitate the removal of 2 trees on site (a Sycamore and a Norway Maple). Using BS 5837: 2012 tree categories the tree report has given them the category of 'C' which is trees of low arboricultural value. Whilst the 2 trees have good public visibility it is considered that this is an accurate appraisal. There is a significant belt of trees at the rear of the site which form a prominent backdrop. This belt of trees comprises of mixed species of trees and is categorised by the tree report as 'B' which is trees of moderate quality which is also considered an accurate appraisal. The proposal is to retain this belt of trees within the development and as long as the recommendations and guidelines are complied with as detailed in the tree report undertaken by Haydens Arboricultural Consultants then the proposals will not have any detrimental arboricultural implications. The application is accompanied by a landscape plan which along with hedge and shrub planting indicates 10 replacement trees being planted. This would more than mitigate for the loss of the 2 trees to accommodate the development. Consequently, there are no arboricultural objections to the application.

## **Ground Conditions and Environment**

*Applicant has submitted a survey – 'Asbestos Survey Report', by RB Asbestos Consultants, Report Number: R-17799, 13 December 2022.*

This report identifies that asbestos containing materials is located throughout the building. Prior to any construction or demolition works the Applicant will need to agree a Demolition Plan, which includes the removal and disposal of asbestos containing materials. Given the proximity of residential dwellings and a busy road network, the Applicant will need to agree a Construction Management Plan in writing with the Local Planning Authority to control local environmental impacts such as noise, vibration, dust, run-off, drag-out, etc.

*Phase II Site Investigation & Risk Assessment Report, by Southern Testing Environmental & Geotechnical, Project ID: JN1727, 02 February 2023*

The contaminated land assessment has not identified any significant land contamination, but testing was not conducted under the existing buildings due to their presence. Based on the findings of this report and as the intention is for another commercial premise, Environmental Protection do not have any significant concerns. The Consultant is advising that the Applicant should consider further testing once the existing building has been demolished and the site cleared. Environmental Protection do not disagree with this scenario. Planning Officers should consider a planning condition requiring for further contaminated land investigation upon building demolition and site clearance to ensure that the majority of the application site has been considered.

## Planning Obligations

A Travel Plan will need to be completed under a Section 106 Agreement.

This guidance has been applied to all developments (where appropriate) from 1st March 2023.

In the context of the health needs and wellbeing of the population of Walsall unhealthy eating (foods with high fat, salt, sugar) is a significant concern, and on this basis, Public Health are objecting to the addition of a further, high throughput, fast food restaurant in this location.

I note the objections raised by Public Health; however, on balance, as the application is in accordance with policies S7, S10 and S11 of the Walsall Unitary Development Plan (UDP) it is considered that the overall economic benefits (with the creation of jobs) of the redevelopment of this previously developed site, with the current site having a long-established use as a restaurant and previously as a public house, both of which are also main town centre uses, within a sustainable location outweighs any potential public health concerns. In addition, McDonald's Restaurants now also offer healthier alternatives on their menu. There are no policies that would support the refusal of the application on these grounds.

## Conclusions and Reasons for Decision

It has been demonstrated that the proposed development is of an acceptable overall appearance, would not result in harm to the natural or built environment.

On balance, it is considered the proposal would not result in an undue impact upon the amenity of occupiers.

The proposal would not result in harm to the safety or operation of the highway network subject to the conditions as set out. The recommended planning conditions are considered necessary to make the application acceptable, and to meet the governments tests contained within the National Planning Policy Framework.

On the above basis, on balance, the proposal is considered to meet the requirements of the Development Plan, and the National Planning Policy Framework.

Taking into account the above factors it is considered that the application should be recommended for approval.

## **Positive and Proactive Working with the Applicant**

Officers have spoken with the applicant's agent and in response to concerns raised regarding lighting, ecology, environmental protection, highways, Lead Local Flood Authority, and principle amended plans and information have been submitted which enable full support to be given to the scheme.

## **Recommendation**

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure the Travel Plan and subject to:

- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- The amendment and finalising of conditions.

## **Conditions and Reasons**

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- 12975\_AEW\_1756\_0001\_Location Plan received 07/06/2023
- 12975\_AEW\_1756\_0002A\_Block Plan received 07/06/2023
- 12975\_AEW\_1756\_0003\_Existing Site Plan received 07/06/2023
- 12975\_AEW\_1756\_0004B\_Proposed Site Plan received 07/06/2023
- 12975\_AEW\_1756\_0017\_Existing Building Elevations received 07/06/2023
- 12975\_AEW\_1756\_0005B\_Proposed Building Elevations received 07/06/2023
- 12975\_AEW\_1756\_0006A\_Proposed Building Floor and Roof Plan received 07/06/2023
- 19307\_VL-McD\_L01 - Landscape Plan\_A1 received 07/06/2023
- Velo-Box Locker received 07/06/2023
- Tree Survey, Arboricultural impact Assessment/Preliminary Arboricultural Method Statement & Tree Protection Plan received 07/06/2023

- Transport Assessment (June 2023) received 07/06/2023
- Travel Plan (June 2023) received 07/06/2023
- Standard Patio Area Supporting Specifications received 07/06/2023
- Refuse Storage and Recycling Statement received 07/06/2023
- Raised Planters - Planters for Pollinators (19307-VL-McD\_L02) received 07/06/2023
- Preliminary Ecological Appraisal Report received 07/06/2023
- Play Of The Future E11-003-V01-S received 07/06/2023
- Supporting Statement received 07/06/2023
- Phase I Contaminative Desk Study and Walkover Survey received 07/06/2023
- Phase II Site Investigation and Risk Assessment Report received 07/06/2023
- Odour Control Specifications received 07/06/2023
- Litter Management Plan received 07/06/2023
- New Style Height Restriction Goal Post/McDigit COD DT Canopy received 07/06/2023
- Environmental Noise Assessment March 23 received 07/06/2023
- Drainage Statement received 07/06/2023
- Drainage Maintenance Plan received 07/06/2023
- Delivery Management Plan (June 2023) received 07/06/2023
- Construction Environmental Management Plan (CEMP) including scope for demolition received 07/06/2023
- Asbestos Survey received 07/06/2023
- Proposed Lighting Layout and Design Notes received 04/07/2023
- Bat Report received 21/07/2023
- Lighting Review received 25/07/2023
- Biodiversity Enhancement Plan received 25/07/2023
- Highways Future Year Assessment received 31/08/2023
- Air Quality Impact Assessment received 10/08/2023
- Odour Control Assessment received 08/11/2023
- Addendum to Environmental Noise Assessment received 08/11/2023
- Sequential Test Version 2.1 received 03/05/2024

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a: Prior to the commencement of the development hereby approved, full engineering details of the following should be submitted to and approved in writing by the Local Planning Authority; -

- i) the existing retained vehicle access arrangement onto Romney Way which shall be upgraded to include tactile paving either side of the bellmouth.
- ii) inclusion of an uncontrolled pedestrian crossing, in the form of dropped kerbs and tactile paving, on Romney Way on Collingwood Drive.
- iii) the existing access on Collingwood Drive made redundant as a result of the proposed development, shall be reinstated back to full kerb height to a specification to be agreed in writing with the Local Planning Authority and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

3b: Prior to the development first coming into use, the highway infrastructure works detailed above shall be fully implemented to the satisfaction of the Highway Authority in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety and in accordance with UDP Policy GP2, T1 and T5.

4a: No development shall take place (including vegetation / demolition) until the Construction Environment Management Plan (CEMP) has been expanded upon to include mitigation and protection measures for protected species and retained habitat. The revised document should be submitted to and approved in writing by the Local Planning Authority. The approved CEEMP shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Walsall Council. The revised plan should include:

- i. Tree protection plan;
- ii. Precautionary working practices in respect to bats, nesting birds and hedgehogs.
- iii. Sensitive Lighting scheme to avoid light spill to protect bats, detailing the provision of lighting across the site, in accordance with guidance outlined in Note 08/18 bats and artificial lighting in the UK, Bats and the Built Environment Series, BCT, 2018;

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Plan and the approved Construction Environmental Management Plan shall be maintained throughout the construction period.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

5a: Prior to the commencement of the development hereby approved an intrusive pre-demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall:

- i. be written by a suitably qualified person
- ii. demonstrably identify potential sources of asbestos contamination and
- iii. detail removal.

5b. Prior to occupation of the development hereby permitted a written Validation Report shall be submitted in writing to and agreed in writing by the Local Planning Authority.



5c. All contaminated material to be removed from the site shall not be otherwise than be removed by a licensed waste carrier to a facility that is licensed to accept it.

Reason: To ensure any potentially hazardous asbestos associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

6a: Prior to the commencement of the development hereby approved a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
13. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

6b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

7a: Prior to the commencement of the development hereby approved, a Construction Surface Water Management Plan to demonstrate how flood risk will be managed prior to the completion of the approved drainage strategy shall be submitted in writing to and approved in writing by the Local Planning Authority. The developer must ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

7b: The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction, in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

8a: Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

8b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

8c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17, ENV18 and ENV33 of Walsall's Unitary Development Plan.

9: Prior to the development first coming into use, an appropriate Traffic Regulation Order shall be advertised, confirmed and fully implemented on the ground, to prevent indiscriminate parking on and around the site access junction with Romney Way.

Reason: In order to prevent indiscriminate parking on and around the busy road junction, in the interests of the free flow of traffic on the public highway and to highway safety in accordance with UDP Policy GP2, T1 and T5.

10: Prior to the development first coming into use, formalised bus stop clearway markings on Romney Way in vicinity of the site access fully implemented on the ground, to prevent indiscriminate parking on and around the site access junction with Romney Way.

Reason: In order to prevent indiscriminate parking on and around the busy road junction, in the interests of the free flow of traffic on the public highway and to highway safety in accordance with UDP Policy GP2, T1 and T5.

11: Prior to the development first coming into use, the car parking area shall be fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory completion and operation of the access and in accordance with UDP Policy GP2 and in the interests of highway safety.

12a: Prior to the development first coming into operation, full details of the proposed cycle shelter, which shall be secure, covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

12b: The cycle shelter shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with the Black Country Core Strategy Policy TRAN4.

13a: Prior to any hot food cooking taking place the provision and implementation of the proposed Odour and Grease Abatement measures and that the equipment is fully commissioned, with the Maintenance Plan in place in accordance with Odour Control Assessment for McDonald's Restaurant Birmingham', by CDM Partnership, October 2023.

13b: The development hereby permitted shall not be carried out otherwise than in accordance with the agreed measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the amenities of the future occupiers of the premises.in compliance with Policies GP2 and ENV32 of the UDP.

14a: Prior to the development first coming into operation all stated acoustic mitigation measures (acoustic barrier fences, acoustic enclosures, and silencers as stated in the application) need to be in place and correctly working in accordance with the noise assessment, 'Addendum to Environmental Noise Assessment', by Acoustic Associates SW Limited, Ref: 7810-Ad1, 26th October 2023.

14b: The development hereby permitted shall not be carried out otherwise than in accordance with the agreed measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the amenities of the future occupiers of the premises.in compliance with Policies GP2 and ENV32 of the UDP.

15: The recommendations, guidelines and tree protection measures as detailed in the tree survey, arboricultural impact assessment, preliminary arboricultural method statement and tree protection plan (drawing no. 10076-D-AIA) by Haydens Arboricultural Consultants dated 01/03/2023 shall be fully complied with and the tree protection measures implemented throughout the construction phase until completion of the development.

Reason: To safeguard the retained trees on and adjacent to the site in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

16: If bat/s or evidence of bats are found during these operations:

1. Natural England or the ecologist for this project must be contacted.
2. The bat/s should not be handled or touched, and the vicinity of the roost shall be immediately reinstated.
3. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
4. Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation Planning & Building Control, Economy, Environment & Communities
5. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued.

Reason: To conserve local bat populations and to be in accordance with National legislation; wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, and c.) Regulations 1994 and Local legislation; Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

17: Vegetation clearance and building demolition should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a comprehensive check of the feature for active birds' nests immediately before the clearance and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect breeding birds from harm during clearance and demolition. All British birds, their nests, and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and countryside Act 1981, as amended and in accordance with Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

18: Following implementation of the approved biodiversity enhancement plan (Drawing ref: 19307-VL-MCD\_L01) management measures outlined within the document, will be undertaken for a period no less than 10 years from the implementation date.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

19: The development hereby permitted shall not be open to customers otherwise than between the hours of 06:00 hours to 23:00 hours Mondays to Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

20: The development shall not be carried out otherwise than in accordance with the approved details on drawing 12975\_AEW\_1756\_0005B\_Proposed Building Elevations received 07/06/2023 and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

21: Deliveries to the development shall be in accordance with the submitted Delivery Management Plan (June 2023) received 07/06/2023 to restriction the size and type of delivery vehicles due to site constraints and the timing of deliveries wherever possible to avoid peak traffic and customer periods.

Reason: To ensure the satisfactory operation of the development, and to minimise disruption to the operation of the local highway network, in accordance with UDP Policy GP2, T4 and in the interests of highway safety.

## **Notes for Applicant**

### **HIGHWAY AUTHORITY:**

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is the most appropriate, with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at [Stephen.Pittaway@walsall.gov.uk](mailto:Stephen.Pittaway@walsall.gov.uk)
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.
4. The costs for the alterations of the TROs should be funded by the Applicant. The applicant is advised to contact: [TrafficManagement@walsall.gov.uk](mailto:TrafficManagement@walsall.gov.uk) in this respect.

### **Electric Vehicle Charging Points**

Building Regulation Approved Document S, 'Infrastructure for charging electric vehicles', requires for new dwellings to include electric vehicle charging points and appropriate cabling for other parking spaces. The Applicant will need to refer to Walsall Council Building Control Section or their own Building Control provider for further information on compliance.

### **West Midlands Police**

The applicant may consider the following:

Construction site security.

[https://www.securedbydesign.com/images/CONSTRUCTION\\_SITE\\_SECURITY\\_GUIDE\\_A4\\_8pp.pdf](https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf)

External LED lights with daylight sensors to the external walls of buildings in particular at entry and exits.

Additional LED lighting for parking areas.

If lighting columns are used ensure they are not located close to the perimeter. Similarly any trees.

That might provide an offender with a climbing aid.

A monitored alarm system. cctv particularly identifying at all doors.

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Any cycle storage should be located close to entrances in clear view, natural surveillance.

Cycle stores, approved products. (SBD Homes 2019 page 68, 56

Please see :

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_NEW\\_version\\_2.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf)

**END OF OFFICERS REPORT**